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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,247	06/07/2001	Pieter Jan Stappers	7238/OJ393	2263

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DARBY & DARBY P.C.
805 Third Avenue
New York, NY 10022

EXAMINER

ROSWELL, MICHAEL

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 03/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/879,247	STAPPERS, PIETER JAN	
	Examiner	Art Unit	
	Michael Roswell	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacCuish (SPIE, 1/29/1996, v. 2656, pp. 104-115), Tachibana et al (U.S. Patent No. 6,219,053), hereinafter Tachibana, and Osga (US Patent 5,757,358).

In regards to claims 1, 2, 5, and 6, Applicant has disclosed the layout mechanism of MacCuish as being an electronic database search engine with an electronic memory device suitable for storing and releasing elements from the database, a display unit, a user interface for the selection and control of elements on the display unit, and iconic interface control means where icons are at mutual distances from one another depending on degrees of dissimilarity. MacCuish's method and device display some icons on the display unit at initial utilization.

MacCuish fails to teach the use of the control means to select a position on the display unit that upon selection displays or removes an icon related to a database element where its degree of dissimilarity to other icons corresponds with the distances between the icons. MacCuish also fails to teach the mutual positioning of icons on the display in concurrence with the dissimilarity of the elements from the database in order to optimize the usable display area on the display unit.

Tachibana et al do teach the use of the control means to select a position on the display unit that upon selection displays or removes an icon related to a database element where its degree of dissimilarity to other icons corresponds with the distances between the icons.

(Column 2, Lines 42-52) and the mutual positioning of icons on the display in concurrence with the dissimilarity of the elements from the database in order to optimize the usable display area on the display unit (Column 1, Lines 1-5).

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of MacCuish and Tachibana et al to obtain an electronic database search engine with iconic display wherein correlated icons are separated at distances based on their dissimilarity and are spaced as to optimize the usable display area on the display unit.

One would be motivated to make such a combination for the advantage of easily viewing the correlations between objects based on their display position.

However, although MacCuish and Tachibana teach the display or removal of an icon related to a database element upon the selection of that icon's position, the references fail to explicitly teach the display or removal of an icon related to a database element upon the selection of an arbitrary position on the display.

Osga teaches a method and apparatus for the selection of computer-displayed objects similar to that of MacCuish and Tachibana. Furthermore, Osga teaches the selection and manipulation of an object on the display based on the selection of an arbitrary position by the user, based on the distance of a cursor to an object, as shown at col. 4, lines 40-53.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of MacCuish, Tachibana, and Osga before him at the time the invention was made to modify the iconic display of a database search engine of MacCuish and Tachibana to include the arbitrary position selection of Osga, in order to obtain an iconic display capable of selecting on screen elements through arbitrary position selection.

One would be motivated to make such a combination for the advantage of reducing cursor travel distance to a selectable object, therefore optimizing the selection of an icon by a user. See Osga, col. 2, lines 43-53.

In regards to claims 3 and 7, Tachibana et al disclose a means for placing an icon in the center of the display unit, while the remaining displayed icons are grouped around the centered icon (Column 16, Lines 62-67 and Column 17, Lines 1-4).

In regards to claims 4 and 8, Tachibana et al teach the addition of characteristics involved in determining an element's degree of dissimilarity (Column 16, Lines 5-9) and adjustable assessment of the dissimilarities of elements (Column 17, Lines 42-46).

Response to Arguments

Applicant's arguments filed 12 January 2006 have been fully considered but they are not persuasive.

In response to Applicant's argument that Osga "has no bearing on the patentability of claims 1 and 5", the Examiner respectfully disagrees. As stated in the rejection above:

However, although MacCuish and Tachibana teach the display or removal of an icon related to a database element upon the selection of that icon's position, the references fail to explicitly teach the display or removal of an icon related to a database element upon the selection of an arbitrary position on the display.

Osga teaches a method and apparatus for the selection of computer-displayed objects similar to that of MacCuish and Tachibana. Furthermore, Osga teaches the selection and

manipulation of an object on the display based on the selection of an arbitrary position by the user, based on the distance of a cursor to an object, as shown at col. 4, lines 40-53.

As shown, the Examiner relies upon the Osga reference to teach the selection and manipulation of a displayed object through the arbitrary selection of a display position by the user, curing the deficiencies of MacCuish and Tachibana. MacCuish and Tachibana are relied upon to teach the distance of icons on the display unit corresponding with the degree of dissimilarity of the elements being represented.

Furthermore, in response to applicant's argument based upon the age of the references, contentions that the reference patents are old are not impressive absent a showing that the art tried and failed to solve the same problem notwithstanding its presumed knowledge of the references. See *In re Wright*, 569 F.2d 1124, 193 USPQ 332 (CCPA 1977).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

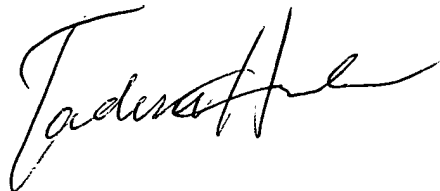
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (571) 272-4055. The examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Roswell
3/27/2006

A handwritten signature in black ink, appearing to read 'J. Roswell', is written over the printed name and date.